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10/2/2014

October 2, 2014

Via ECF

MEMO ENDORSED

Honorable Denise L. Cote
United States District Court for the
Southern District of New York United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *In re Application of The Coalition To Protect Clifton Bay and Louis Bacon for an Order Pursuant to 28 U.S. C. § 1782 to Conduct Discovery for Use in Foreign Proceedings, 14 Misc. 258 (DLC)*

Dear Judge Cote:

We are the attorneys for Respondent Stephen J. Feralio. Pursuant to the Court's direction at the September 11, 2014 court conference, we write to update the Court regarding our efforts to review and produce materials to Nygard International Partnership and Nygard Inc. responsive to the subpoena issued by Petitioners, The Coalition To Protect Clifton Bay and Louis Bacon.

For the period September 26, 2014 - October 1, 2014, Mr. Feralio devoted approximately 39 hours to reviewing and cataloguing responsive materials. Over the course of the week, Mr. Feralio reviewed approximately 3,288 video and other electronic files and designated approximately 2,854 files as responsive. Many of the files included in this production are photographs of images responsive to the subpoena, particularly electronic files responsive to Request No. 3 which seeks all documents related to Nygard Cay.

Today, we will be sending to counsel for Nygard International Partnership and Nygard Inc. a hard drive containing approximately 231 GB of responsive materials in 2,854 separate files, Bates stamped SF00000762-SF00003615. Given the large number of potentially responsive files awaiting review, we estimate that Mr. Feralio's review will continue for months before the process is completed. We cannot provide a more exact prediction at this time, although we will endeavor to do so as we move forward.

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We are available to answer any questions the Court may have regarding our efforts. Per the Court's instructions, we will further update the Court next week on our progress.

Respectfully submitted,

s/ Steven D. Feldman

Steven D. Feldman

cc: Counsel for Petitioners (by ECF)
Counsel for Nygard International Partnership and Nygard Inc. (by ECF)

The parties and Mr. Feldman shall discuss whether there should be a system that Ferario should adopt to organize and prioritize his review.

Denise Cote
Oct. 2, 2014